REMARKS

This is in response to the Office Action dated August 9, 2004, wherein "restriction to one of the following inventions" was required as follows:

> Group A, claims 1-10 and 20-25, directed to "method and device for asynchronous data storage";
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> Group B, claims 11-18, directed to "an apparatus with track data format"; and
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> Group C, claim 19, directed to "an access device of record carrier for storage and retrieval."

The Examiner contends that the Group A claims and the Group B claims are related as combination and subcombination; the Group A claims and the Group C claims are related as product and method of use; and the Group B claims and the Group C claims are related as combination and subcombination.

Applicants elect, **with traverse**, Group B claims 11-18.

It is respectfully submitted that the claims of Group A are directed to the same invention as the claims of Group B. The Group B claims define a record carrier on which is stored data. The record carrier having this data recorded thereon is produced by the method of the Group A claims and by the "writing device" of the Group A claims. Indeed, the limitations recited in the Group B claims are the very limitations recited in the Group A claims. Thus, the claims of Group A are directed to the very same invention as the claims of Group B; and the restriction requirement of August 9, 2004 should be withdrawn for this reason.

Moreover, the record carrier of the Group B claims can only be reproduced by a record carrier accessing device which does not read the whole record carrier. In particular, the record carrier accessing device does not need to access the control data of all sessions included on the

record carrier. Such record carrier accessing devices, which are defined in the Group C claim, are, for example, general purpose CD-players, which only access the first session, but not the second session. Therefore, any copy protection data that may be recorded in the second or any further session will not affect the reading of the record carrier according to the present invention via an ordinary CD-player. On the other hand, computer CD-ROM drives usually access the control data, such as the table of contents and the session pointers, of all sessions included on the disc. Since the copy protection data, such as a misleading synchronizing pattern or a recursive session pointer, is recorded within these further sessions, the CD-ROM drive will abort the complete access. For a CD-ROM drive that is switchable or programmable to only access the first session (or all sessions, but not the session including the copy protection data), the record carrier according to the present invention can be accessed by this CD-ROM drive. Therefore, the Group C claim likewise should be examined with the Group B claims.

Withdrawal of this restriction requirement is requested for yet another reason. It is respectfully submitted that a search of the Group A claims, as well as a search of the Group C claims, would not present a burden. It is likely that a full and proper search for the Group B claims would entail a search of Class 369, subclass 47.12 (the classification of the Group A claims, acknowledged by the Examiner) and a search of Class 369, subclass 53.2 (the classification of the Group C claim, acknowledged by the Examiner). If these subclasses are not searched, the effort expended by the Examiner would, at best, result in an incomplete search of the prior art. A proper search for the invention defined by the Group B claims will require a search that encompasses the claims of Groups A and C and, thus, a proper search by the Examiner should result in a search of the Group A, B and C claims of this application.

If the present requirement for restriction is maintained, the logical result will be the filing of divisional applications to include the Group A and Group C claims. Of course, this will mean that the examination of the Group A and C claims will be delayed. However, since the search for the claims included in the divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the Group B claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional cases; but in light of the delay between the prosecution of the present application and that of the divisional applications, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional applications, a significant loss of PTO efficiency will result in his examination of those divisional cases. After all, the present Examiner will be the individual in the best position to examine all applications and he will be fully familiar with the subject matter of the divisional applications.

Therefore, since the only logical outcome of the present restriction requirement would be to delay the examination of the claims included in Groups A and C, resulting in inefficiencies on the part of the Office and unnecessary expenditures by applicants, and since a single search can be done for all claims without any significant burden on the Office, it is respectfully requested that the restriction requirement between the claims of Groups A, B and C be withdrawn.

The withdrawal of the instant restriction requirement between the claims of Group A and the claims of Group B and the claims of Group C, and examination of all of the claims are respectfully requested.

In addition, claim 9 is amended to improve its form. Claim 10 is canceled as being redundant.

Respectfully submitted,
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